

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

July 18, 2013

In the Matter of GREER, Minors.

No. 313625

Wayne Circuit Court

Family Division

LC No. 10-498043-NA

Before: FORT HOOD, P.J., and FITZGERALD and MURRAY, JJ.

MEMORANDUM.

Respondent appeals by right the order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Respondent does not challenge the statutory grounds or the court's best interests determination, but instead contends that reversal is required because the Department of Human Services (DHS) failed to make reasonable efforts to reunify her with her children. Generally, reasonable reunification efforts must be made to reunite the parent and child unless certain aggravating circumstances exist. *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010); *In re Frey*, 297 Mich App 242, 247; 824 NW2d 569 (2012); MCL 712A.19a(2). However, while DHS has a responsibility to expend reasonable efforts to provide services to secure reunification, there exists a commensurate responsibility on the part of parents to participate in the services that are offered. *Frey*, 297 Mich App at 248.

The trial court's factual findings are reviewed for clear error. MCR 3.977(K). A finding of fact is clearly erroneous if, although there is evidence to support it, the appellate court is left with a definite and firm conviction that a mistake was made. *Mason*, 486 Mich at 152.

In this case, the record shows that DHS provided respondent with numerous services in an attempt to resolve the issues that led to court involvement. To help respondent resolve her substance abuse problem, DHS referred her for substance abuse counseling multiple times and set up drug screens for her. Respondent was compliant with neither service. To address respondent's housing issue, DHS performed a home assessment on her residence and thereafter gave her information on low cost housing options. DHS also referred respondent to parenting classes twice.

Respondent testified that the DHS worker failed to respond to her phone calls and did not assist her in locating housing or evaluate her current home. She further alleged that she was terminated from counseling because the counselor could not "deal" with the case worker.

However, respondent's testimony was impeached with documentation indicating that she was discharged from counseling for lack of attendance. The credibility of the testimony of the witnesses presented an issue for the trier of fact. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). It is apparent from the trier of fact's written factual findings that it rejected the credibility of respondent's testimony wherein she alleged that DHS failed to provide services to support reunification. Rather, the trial court did not clearly err in finding that reasonable reunification efforts were made. *Mason*, 486 Mich at 152.¹

Affirmed.

/s/ Karen M. Fort Hood
/s/ E. Thomas Fitzgerald
/s/ Christopher M. Murray

¹ For purposes of completeness, we note that the trial court did not clearly err in finding that the statutory grounds for termination existed and that termination was in the children's best interests. *Mason*, 486 Mich at 152. The children were brought into care because of respondent's incarceration and substance abuse. Respondent failed to visit the children regularly, failed to provide proof of employment, failed to submit to scheduled drug screens, and continued to use drugs and alcohol. The children had been in care for nearly two years and needed stability and permanency.